

WorkSource Information Notice (WIN)

WorkSource Standards & Integration Division

☐ Policy Clarification | ☐ Q&A | ☒ Other

Number: WIN - 0012
Date: January 9, 2012
Expiration Date: N/A

TO: Workforce Development System Partners

FROM: Amy Smith-Rubeck, Deputy Assistant Commissioner

SUBJECT: Employment Eligibility Verification Tagline in WA Job Orders

Purpose:

To support employers by providing ample notification to job seekers of the requirement to provide documentation that establishes identity and employment authorization at the time of hire.

Action Required:

Workforce Development Councils and their contractors, as well as Employment Security Department (ESD) Area Directors, must distribute this guidance broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

Background:

The federal Immigration & Nationality Act (INA) requires all U.S. employers to examine and verify the eligibility of each employee to be lawfully employed in the United States. WorkSource staff are not required to examine documentation to verify employment eligibility. As part of the initial registration in SKIES, all job seekers are only required to respond to the question “Legally entitled to work in the U.S.?”

Summary:

The Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Justice (USDOJ) Civil Rights Division allow employers to notify applicants of employment eligibility requirements in a pre-employment setting on employment applications and job announcements. EEOC and USDOJ also advise employers to “treat all people the same in announcing the job, taking applications, interviewing, offering the job, verifying eligibility to work, hiring, and firing.” This passage is interpreted to indicate that WorkSource must also maintain consistent procedures to ensure all job seekers are treated similarly.

In an effort to support employers by providing ample notification to job seekers, ESD will add the following language uniformly to all WA job orders:

“Federal law requires employers to document that each new employee is authorized to work in the United States. New employees must establish both identity and employment authorization on form I-9.”

As of January 10, 2012, the language will appear at the end of the section entitled “How to Request a Referral” when a WA job order is printed or when a WA job order is viewed through Go2WorkSource. If an employer requests that employment eligibility language be added to a job order, order takers will inform the employer of the existing WorkSource registration process and of the statement added to all WA job orders. Order takers must not input employment eligibility language in WA job orders.

Order takers may make an exception for employers participating in E-Verify. E-verify employers are required to inform job seekers of their participation through permanent signage and application materials. To assist E-Verify employers meet their obligation, employer requests to comply with E-verify notification requirements in a job order must be accommodated. This must be done by manually inserting “*This employer participates in the E-Verify Program in order to verify the identity and work authorization of all newly hired employees*” under the “How to Apply/Request a Referral” heading in the WA job order.

References:

N/A

Website:

<http://www.wa.gov/esd/policies/systems.htm>

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Attachments:

N/A